

TRULINCS 67662054 - LASHER, LENA - Unit: DAN-O-A

FROM: 67662054

TO:

SUBJECT: Lena Lasher District Court

DATE: 01/12/2017 12:48:50 PM

US District Courthouse Southern District of New York
500 Pearl St.
NY, NY 10007

1/12/2017

Dear Clerk of the Court,

My name is Lena Lasher. My case number is: S1 12 Cr. 868 (NRB) Judge Naomi Buchwald

Yesterday, January 11, 2017, I mailed out a Motion for a Petition to Compel Exculpatory Evidence Currently in Prosecutors/Government's Possession and Heretofore Withheld, the petition itself and its exhibits, and the certificate to the Court, Honorable Judge Naomi Reice Buchwald, AUSA Margaret Garnett, and Attorney Louis Freeman. However, due to the computer's problem I was experiencing, my document did not double space properly. Last night, I was able to fix this problem. Thus, today I'll mail this double spaced format of the petition; its content is exactly the same as the one mailed out yesterday.

I am now requesting a court appointed attorney to assist me with the Motion for a Petition to Compel Exculpatory Evidence Currently in Prosecutors/Government's Possession and Heretofore Withheld.

Thank you very much for your time and understanding.

Sincerely,

lenalasher

Lena Lasher
Register # 67662-054
Federal Correctional Institution
33 & 1/2 Pembroke Road
Danbury, CT 06811-3099

cc. HONORABLE Judge Naomi Reice Buchwald US District Court Southern District of New York 500 Pearl St. NY, NY 10007
AUSA Attorney Margaret Garnett US Attorney's Office for Southern District New York 1 St. Andrew's Plaza, NY, NY 10007
Attorney Louis Freeman 75 Maiden Lane, NY NY 10038

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V. DOCKET #: 12cr868

LENA LASHER

PETITION TO COMPEL EXCULPATORY EVIDENCE CURRENTLY IN PROSECUTORS'/GOVERNMENT'S
POSSESSION AND HERETOFORE WITHHELD

Now comes the petitioner, Lena Lasher, through pro-se representation, hereby respectfully petitions the Honorable Court to move for an Order compelling the prosecutor of The Southern District of New York to provide the Defendant with copies of all tangible evidence in the prosecutor's/Government's possession including, but not limited to, 3500 materials (Jenkins) and statement of co-defendants (Dr. Imbernino, Peter (J.) Riccio), video recordings, exhibits and testimony which would exculpate, tend to exculpate, or in any way provide mitigating factors in connection with the Defendant's alleged commission of the offense charged in the above captioned indictment. I'm also requesting the Court to order the Government to provide an origin and chain of custody accounting for all evidence, including but not limited to: Any exculpatory evidence which were not revealed nor delivered to me, and heretofore used against me and demand their immediate release into my possession.

Defendant does know for a fact, per Bates document number 008902 (See Exhibit A page 3) that the video recordings was in the possession of the DEA in Newark, NJ:

* Video recordings (DVR Aver Media EH5216 SN0089310050N) seized from Towne Pharmacy 2 S. Washington Ave. Dunellen, NJ 08812. Seized by US Department of Justice-Drug Enforcement Administration (NJ Division). File No. C3-10-2094. Date Seized: 11/29/2012 USA vs. Peter Riccio, et al. Bates (document) number: 008902. Receipts for cash or other items. Received by Anthony J. Rego, Diversion Investigator. Witnessed by Steven Fischer, Special Agent).

* As per FOIA (See Exhibit A page 1), the DEA turned over this evidence to AUSA SDNY on October 9, 2013. The Government had in its possession, physical evidence of the video recording which was referenced at trial; this evidence would have exonerated me of the allegations and the charges. I and my attorney Louis Freeman, have requested, from the prosecutors/Government, the video recordings of the pharmacies during pretrial, trial, and pre-sentencing. Mr. Freeman never formally requested of the production of same until after trial. (See Exhibit B). When the video recording was, finally, formally requested, the Government advised Defendant that they never had possession of the video tape recording of the

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pharmacies).

*The defendant would also want a copy of the "alleged" photos on Defendant's phone which were used at trial (Exhibit 801a); according to FOI/PA's letter of January 6, 2017 (See Exhibit C), "the photos used at trial and Exhibit 801a- those would likely be something held and created by the U.S. Attorney's Office in the Southern District of New York."

At this time, I'm requesting the Court to order the Government to provide an origin and chain of custody accounting for all evidence heretofore used against me and demand their immediate release into my possession. Please move forward to getting me the above items allegedly used against me at trial, which I previously did not even know existed. This exculpatory evidence could have exonerated me and is a clear violation of my 4th Amendment Right (Brady's Violation)

If needed, please appoint me a court appointed attorney in the above matters.

Respectfully submitted



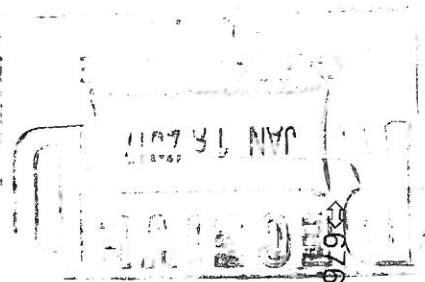
Lena Lasher, pro-se
Register # 67662-054
Federal Correctional Institution
33 1/2 Pembroke Rd.
Danbury, CT 06811-3099

January 11, 2017

TO: HONORABLE Judge Naomi Reice Buchwald US District Court Southern District of New York 500 Pearl St NY, NY 10007
AUSA Attorney Margaret Garnett US Attorney's Office for Southern District New York 1 St. Andrew's Plaza NY, NY 10007
Attorney Louis Freeman 75 Maiden Lane, NY NY 10038

Legal Mail

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Criminal Justice
Dept

